IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITIION NO. 2943 OF 2005

Vinod Nanchand Lakhani .. Petitioner.

vs.

State of Maharashtra & Ors. .. Respondents.

Shri Vidya Amlani i/by Dharmendra M. Joshi

for petitioner.

Smt. S.D. Shinde, A.P.P. for State.

CORAM : J.N. PATEL, AND

SMT. ROSHAN DALVI, JJ.

DATE : 17th October, 2006.

P.C.

. Heard.

2. The petitioner has approached this Court being aggrieved by the inaction on the part of respondent nos. 1, 2 and 3 refusing to take action against respondent nos. 5, 6 and 7 and failure on their part to register FIR on a report lodged by the complainant.

3. We issued notice to the respondents. Today, an affidavit is tendered by the learned APP before

this Court filed by Mr. Rajkumar P. Nagdawane, Assistant Commissioner of Police, Ghatkopar Division, Mumbai. We do not think that the respondents have failed to take cognizance of the complaint lodged with Pantnagar Police Station by the servant of the petitioner named Ratan Rampal Somani and that his complaint was registered as NC No. 1023/2005 under Section 504,506 IPC by the then Duty Officer. The subsequent complaint is also by one Ganesh Laxman Dhonde, the watchman on which also cognizance was taken and NC No. 1024/2005 came to be recorded for similar offences by the Duty Officer. Subsequently, on 15.6.2005 Mr. Dharmendra N. Joshi, Advocate of the petitioner, filed an application to the Pantnagar Police Station. The said complaint was verified and it was found that there was no substance in the complaint given on behalf of Vinod Nanachand Lakhani. During the enquiry it has also come to the notice of the police that Civil Suit No. 2651 of 2005 was pending in respect of the possession of the said flat in the City Civil Court which was under construction and, therefore, police certified it as a NC complaint.

4. Therefore, in the facts and circumstances, we find that the reliefs sought for by the petitioner cannot be granted. Even if one goes through the complaint lodged by the said application, it may be considered as a complaint

lodged by the advocate of the complainant Mr. Dharmendra N. Joshi does not make out any case disclosing a cognizable offence. Therefore, the petition stands dismissed.

(J.N. Patel, J.)

(Smt. Roshan Dalvi, J.)